# Saint Paul Planning Commission City Hall Conference Center 15 Kellogg Boulevard West

### Minutes December 18, 2009

A meeting of the Planning Commission of the City of Saint Paul was held Friday, December 18, 2009, at 8:30 a.m. in the Conference Center of City Hall.

**Commissioners** Mmes. Faricy, Lu, Morton, Porter, Smitten, Thao, Wencl; and

**Present:** Messrs. Alton, Commers, Goodlow, Gordon, Johnson, Kramer, Margulies,

Nelson, Schertler, Spaulding, Ward, and Wickiser.

**Commissioners** 

Absent:

Ms. \*Donnelly-Cohen

\*Excused

Also Present: Donna Drummond, Planning Director; Tom Beach, Department of Safety and

Inspections; Allen Lovejoy, Public Works; Patricia James, Merritt Clapp-Smith, Jessica Rosenfeld, Kate Reilly, Sarah Zorn, Tia Anderson, and Sonja Butler,

Department of Planning and Economic Development staff.

### I. Approval of minutes December 4, 2009.

MOTION: Commissioner Commers moved approval of the minutes of December 4, 2009. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.

#### II. Chair's Announcements

Chair Alton announced that he and Commissioner Faricy had resigned from the Zoning Committee, and he had appointed Commissioners Commers and Goodlow as their replacements. He also announced that he will be appointing a nominating committee, and will appoint himself and two others commissioners to serve. The committee will nominate Planning Commission officers for 2010.

### **III.** Planning Director's Announcements

Donna Drummond reported that the City Council held a public hearing on the Design Standards Zoning Amendments on December 16<sup>th</sup>. No one testified in opposition so the amendments are on the way to final adoption next week.

The Council has also recently approved two resolutions requesting studies by the Planning Commission. One is requesting study of additional sign regulations that came out of the work completed on the recently adopted Dynamic Display Sign Ordinance. This was initiated by Councilmember Thune. The second resolution is requesting that the Planning Commission undertake a study of zoning regulations for currency exchanges, and imposing a moratorium on granting any permits or approvals for future currency exchanges until the study is completed.

**IV. PUBLIC HEARING:** <u>Downtown Station Area Plan</u> – Item from the Comprehensive Planning Committee. (*Lucy Thompson*, 651/266-6578, and *Jessica Rosenfeld*, 651/266-6560)

Chair Alton announced that the Saint Paul Planning Commission is holding a public hearing on the Downtown Station Area Plan. Notice of the public hearing was published in the Legal Ledger on November 19, 2009, and was mailed to the citywide Early Notification System list and other interested parties.

Chair Alton read the rules of procedure for the public hearing.

The following people spoke.

- 1. Ms. Ellen McPartlan, Chair of the Lowertown Master Plan Task Force, said that she gives her support for the downtown station area plan because it reflects the community's concerns and feedback through the additions to Section 4.1 on preparing the Lowertown Master Plan. She talked about how that section of the plan effectively addresses many of Lowertown residents' specific concerns.
- 2. Mr. Paul Mohrbacher, with the Science Museum of Minnesota, said that 10 years ago the Science Museum gave up their location at the site of a downtown station, so they could move to the river. Less than 5% of their visitors come by transit and 95% come by automobile. He said that they are clearly an automobile destination, but he hopes that the development of LRT will change that. The downtown stations are destination stations and the 4<sup>th</sup> and Cedar station will help people find there way to the Science Museum. Mr. Mohrbacher gave a hardy endorsement for the Downtown Station Area Plan.
- 3. Mr. Karri Plowman, Saint Paul Area Chamber of Commerce and a downtown resident, said that while they were a little dissatisfied with the stakeholder participation in comparison to the station area planning process for the University Avenue stations, they do support much of the plan. Mr. Plowman believes that the summary of the Diamond Products Task Force Report (p. 9) should be removed from the report. It is not consistent with comments that are made later in the report. Second, on the prohibition of single-use parking (p. 20) the public and private sector use single-use and surface lot parking as a way to hold parcels for long-term development. Finally, the plan's recommendations on ground floor windows and active usages fail to recognize market constraints. The Chamber is also providing written comments.

Chair Alton announced that staff received three (3) letters from the Saint Paul Riverfront Corporation, Capitol River Council and Councilmember Thune's Office.

<u>MOTION</u>: Commissioner Nelson moved to close the public hearing, leave the record open for written testimony until 4:30 p.m. on Monday, December 21, 2009, and to refer the matter back to the Comprehensive Planning Committee for review and recommendation. Commissioner Faricy seconded the motion. The motion carried unanimously on a voice vote.

### V. Zoning Committee

**SITE PLAN REVIEW –** List of current applications. (Tom Beach, 651/266-9086)

Three items will come before the staff Site Plan Review Committee on December 22, 2009. They are: Northern Metals Recycling Trailer Storage Yard at 551 Barge Channel Road; Walgreen #2 at 2101 Ford Parkway; and Metropolitan Council – E.S., Force Main improvement at 2898 Childs Road.

#### **OLD BUSINESS**

#<u>08-083-992 Laurel Apts Parking Lot #2</u> – Consider revocation of parking lot site plan approved June 11, 2008, for failure to meet conditions of approval. 2057 Laurel Avenue. (*Tom Beach*, 651/266-9086)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to revoke the parking lot site plan. The motion carried unanimously on a voice vote.

#### **NEW BUSINESS**

#09-327-710 David Youmans – Conditional Use Permit for transitional housing facility for six (6) or fewer residents. 680 Thomas Avenue, SW corner at St. Albans. (Sarah Zorn, 651/266-6570)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.

#09-328-553 Ray Matter – Establishment of legal nonconforming use status for excavating business. 770 Brookline Street, NE corner at Springside. (Sarah Zorn, 651/266-6570)

Commissioner Faricy asked for clarification of City Attorney Peter Warner's advice to the Zoning Committee at the public hearing.

Commissioner Kramer said that the City Attorney laid out scenarios and alternatives for the Zoning Committee to consider. The Zoning Committee's recommendation revised and refined the staff's recommendation based in part on the City Attorney's input.

Commissioner Schertler asked staff to explain the difference between the Zoning Committee's recommendation and the staff's recommendation.

Sarah Zorn, PED staff said that the staff's recommendation originally was the first condition listed, allowing the business to continue as long as the applicant resides on premises. The Zoning Committee debated further and added the additional three (3) conditions.

Commissioner Spaulding stated that he has understood that nonconformities are more acceptable if they are masked from public view, if they don't have a detrimental affect on neighboring properties by being within an enclosed structure. The interpretation here is that if it is outside a structure, it is ok and he would like to get clarification of that.

Commissioner Margulies said that the Committee discussed this issue at the meeting, trying to discern the intent of the zoning code.

Commissioner Kramer said that this was why the additional conditions were added - to make sure that the nonconforming activity remains in the current confines. He also noted that there is a whole chapter on nonconforming uses, which sets a city policy that nonconforming uses can continue under certain conditions.

Commissioner Gordon added that part of the discussion at the Zoning Committee meeting was to get on the record that this case was being decided on its own unique facts and there was no intent to establish a precedent that would do away with the requirement that the use occur entirely within an existing structure, but rather to interpret and apply the Zoning Code to the unique facts presented by this case. Also the record here at the Planning Commission should reflect that, so that it not be misconstrued as establishing a precedent going forward.

Commissioner Smitten said that the last item at the Zoning Committee meeting was the hardship piece. She asked for clarification about the cost to move the business as an element of establishing hardship.

Commissioner Morton said that this business has been at this location since 1973; this is a large parcel of land (over three (3) acres); and having to move would put Mr. Matter out of business. The Committee believed this established hardship.

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to approve the establishment of legal nonconforming use status subject to additional conditions. The motion carried unanimously on a voice vote.

<u>Minor Text Amendments for Chapters 60 and 61 of the Zoning Code</u> - Recommendation to release draft for public review and schedule a public hearing on February 5, 2010. (*Kate Reilly*, 651/266-6618)

<u>MOTION</u>: Commissioner Morton moved the Zoning Committee's recommendation to release the proposed amendment for public review and set a public hearing at the Planning Commission meeting on February 5, 2010. The motion carried unanimously on a voice vote.

Commissioner Morton announced the items on the agenda for the next Zoning Committee meeting on Tuesday, December 29, 2009.

### VI. Comprehensive Planning Committee

Zoning Amendments to Saint Paul's Off-Street Parking Requirements and Design Standards – Recommendation to release draft for public review and schedule a public hearing on January 22, 2010. (Merritt Clapp-Smith, 651/266-6547, and Tia Anderson, 651/266-6562)

Tia Anderson, PED staff gave a brief power point presentation about Saint Paul's Off-Street Parking Requirements, an overview of public feedback and the proposed code amendments. They received a great amount of support for the changes in the off-street parking requirements, and support for the broader goals and objectives of the study. The proposed amendments would consolidate many of the various use requirements, reduce those use requirements to better meet average off-street parking demands as opposed to peak parking demands, enhance overall parking facility design and simplify the code.

In terms of residential parking requirements the proposal is to have a stepped approach for multifamily dwelling units, requiring more spaces for units with more bedrooms, and this did receive broad support during the public discussions. There were some concerns raised by affordable housing advocates who cautioned against overburdening those types of developments.

Merritt Clapp-Smith, PED staff, said that they brought forward in the public discussion the idea of introducing a citywide parking maximum. Maximums are something the city currently uses in its TN zoning districts and in the Central Corridor zoning overlay. There was good support for doing parking maximums with the intent of trying to discourage people from over building parking when it is not needed. Ms. Clapp-Smith showed a sample table of the off-street parking changes. She talked about the different ways to reduce the minimum parking requirement through shared parking agreements, bicycle parking, shared vehicle parking and for mixed-use corridors. The mixed-use corridors received varying feedback. There is debate about how broadly this parking reduction should apply: How many streets and how wide an area from the corridor? This will be one of the items that generates more discussion.

Regarding enhanced landscaping requirements, there was very strong support for this. At least 15 square feet of interior landscaping would be required for every 100 square feet of paving for parking facilities with more than twenty (20) parking spaces or 6,000 square feet, whichever is less. The Department of Safety and Inspections staff have been encouraging the placement of trees in parking lots, one (1) every 35 feet on average, which is close to one (1) shade tree per five (5) parking spaces. There was also interest in introducing a requirement for internal walkways in large parking lots.

Travel Demand Management (TDM) -- the proposed code amendments have a requirement for sites that are going to be over 100 parking spaces to work with Saint Paul Smart Trips to prepare a travel demand management plan. The City would hold a financial guarantee that would be released after two (2) years based on showing the best effort to put together a TDM implementation plan.

Commissioner Porter asked when the restaurant parking demand counts were actually taken.

Ms. Clapp-Smith said that the counts for different eating places have been taken over a three (3) year period, so they have been continuing to collect different information. If anyone is interested in seeing the spreadsheet table she can provide that.

<u>MOTION</u>: Commissioner Morton moved the Comprehensive Planning Committee's recommendation to release the proposed amendments for public review and set a public hearing for January 22, 2009. Commissioner Wencl seconded the motion. The motion carried unanimously on a voice vote.

# VII. Neighborhood Planning Committee

Commissioner Wencl had no report.

### **VIII.** Communications Committee

There was no report.

## IX. Task Force Reports

Commissioner Thao reported that the Hamline, Western, and Victoria Steering Committee met on Wednesday, Dec. 16<sup>th</sup>. There were some concerns about the timing of when these new stations would be built. But the steering committee is in place and they look forward to completing their work in the coming year.

Commissioner Smitten announced that the Smith Avenue Redevelopment Corridor steering group met with potential task force members. They are looking for 15 people and about 50 people showed up. The application deadline is December 31, 2009 and in January 2010 they will be recommending those task force members.

Χ.	Old Business	
	None.	
XI.	New Business	
	None.	
XII.	Adjournment	
	Meeting adjourned at 9:39 a.m.	
Recorded and prepared by Sonja Butler, Planning Commission Secretary Planning and Economic Development Department, City of Saint Paul		
Respectfully submitted,		Approved(Date)
Donna Drummond Planning Director		Marilyn Porter Secretary of the Planning Commission

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